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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,685	03/07/2002	Shin Chai Mark Lin	2002P03667 US	3816

7590
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01/12/2010

EXAMINER

DABNEY, PHYLESHA LARVINIA

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

01/12/2010

PAPER

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RECORD OF ORAL HEARING

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SHIN CHAI MARK LIN

Appeal 2009-006864
Application 10/092,685
Technology Center 2600

Oral Hearing Held: December 3, 2009

Before KENNETH W. HAIRSTON, JOHN C. MARTIN, and
CARL W. WHITEHEAD, JR., *Administrative Patent Judges.*

ON BEHALF OF THE APPELLANT:

JOEL MILLER, ESQUIRE
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The above-entitled matter came on for hearing on Thursday, December 3, 2009, commencing at 9:12 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia, before Dawn A. Brown, Notary Public.

1 THE USHER: Calendar Number 5, Appeal Number 2009-6864. Mr.
2 Miller.

3 JUDGE HAIRSTON: Okay. Thank you.

4 MR. MILLER: A colleague, Mr. Cox, an attorney at the Air Force, is
5 accompanying me.

6 JUDGE HAIRSTON: Okay.

7 MR. MILLER: May I begin?

8 JUDGE HAIRSTON: Yes, please.

9 MR. MILLER: Thank you. Error occurred in this application because
10 Robinson, et al., the reference cited, which I'll refer to as Robinson hereafter,
11 does not disclose or teach all of the claim limitations.

12 All of the claims require either a contact assembly or a contact generally
13 adjacent and conforming to the contour of the battery door.

14 JUDGE HAIRSTON: May I interrupt you right there?

15 MR. MILLER: Oh, please.

16 JUDGE HAIRSTON: It says in your drawing, Figure 1, you say 24 is
17 the door.

18 MR. MILLER: Yes.

19 JUDGE HAIRSTON: But then you harp on the reference and you say
20 that looks like a similar piece. You say 140 in Robinson is a retaining flange.
21 So, is 24 the same piece?

22 MR. MILLER: Well, it may appear, but the door rotates within the
23 frame as in the Hanright --

24 JUDGE HAIRSTON: It is a door then?

1 MR. MILLER: It is a door. It is not attached. 140 is, as you
2 mentioned, an internal retaining flange, which in this specification of
3 Robinson retains the battery in the battery compartment.

4 JUDGE HAIRSTON: So, in Robinson you put the battery in from the
5 other side where the door --

6 MR. MILLER: 101.

7 JUDGE HAIRSTON: 101, right.

8 MR. MILLER: If you look at Figure 1 of Robinson the Door 101 is in
9 that central area. And that door is essentially a rectangular piece that snaps
10 onto a hinge pin from the outside. It does not rotate. It is a very different
11 structure from the Applicant's door.

12 JUDGE HAIRSTON: Okay.

13 MR. MILLER: And it is not part -- it is not part of -- Retaining Flange
14 140 is not part of that door.

15 Robinson refers to a Battery Portion 100 of the face plate. You see that
16 in Column 2, the battery portion of the face plate. The retaining flange is part
17 of the battery portion, the overall structure, but that doesn't make the flange
18 part of the door. The door and the retaining flange are two separate elements.

19 Whereas in the Applicant's case, the door is a rotating member, and
20 when the door is closed, part of the door comes back. And as claimed by the
21 Applicant, the context to save space conforms and is bent towards the contour
22 of the door proper. But the flange is a different element.

23 Robinson's vertically-oriented electrical leads are neither adjacent nor
24 conforming to 101, Robinson's door, because the electrical leads are on the
25 inside of the face plate, if you look at Figure 2 of Robinson, whereas the door
26 is on the outside. So they can't be physically together. Whereas in the

1 Applicant's, because of the way the door is, the contacts are juxtaposed with
2 the door itself.

3 Claims 3, 7 and 11, which are dependent from Claims 1, 5 and 9
4 respectively, recite a contact portion and a terminal portion generally adjacent
5 and conforming to the contour of the battery door. Again, the same language
6 with some more specifics.

7 And this language -- this structure is also not found in Robinson.
8 Principally, the door is on the outside in Robinson and the contacts are on the
9 inside in the Applicant's device.

10 For at least these reasons, Robinson does not disclose or teach all the
11 limitations, and, therefore, anticipation has not been established. I'll be happy
12 to answer any questions you have.

13 JUDGE MARTIN: I'd like to follow up on the door configuration
14 question just to make sure I understand what is going on here. Is this sort of
15 like a lazy Susan in a way? There is the door -- like the door is like a V, and
16 you open it up and the battery goes in and then it -- the one part of the V is left
17 facing the outside and the backside of the V is what we see in Figure 1?

18 MR. MILLER: You're speaking of the Applicant's device, correct?

19 JUDGE MARTIN: No, your -- yeah, the Applicant's device, right.

20 MR. MILLER: If you would look at, for example, Hanright, 5,799,095,
21 is one of the references. If you don't have it --

22 JUDGE HAIRSTON: We don't have it.

23 MR. MILLER: May I approach?

24 JUDGE HAIRSTON: Yes.

25 MR. MILLER: Thank you. In fact, I have other --

26 JUDGE MARTIN: That is okay.

1 MR. MILLER: So what happens is the whole thing swivels back and
2 forth. Whereas in the Applicant's device, that 140 is physically part of the
3 face plate. It is physically part. It is not part of the door.

4 JUDGE MARTIN: That answers my question. Thank you.

5 MR. MILLER: You're very welcome.

6 JUDGE HAIRSTON: For the record, Hanright is H-A-N-R-I-G-H-T.

7 MR. MILLER: There were several -- there are several Hanrights in the
8 application, and this is U.S. Patent 5,799,095, and we were just looking at the
9 drawing on the cover.

10 JUDGE HAIRSTON: Any questions? Thank you, Counselor.

11 MR. MILLER: Thank you for your time.

12 (Whereupon, the proceedings at 9:19 a.m. were concluded.)